

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SELENA STALEY, VIVIAN HOLMES, and OLIVE  
IVEY, on behalf of themselves and all others  
similarly situated,

Plaintiffs,

-against-

FOUR SEASONS HOTELS AND RESORTS, HOTEL 57  
SERVICES, LLC, HOTELS, 57, LLC, TY WARNER  
HOTELS & RESORTS, LLC, and H. TY WARNER

Defendants.

X

**PLAINTIFFS  
RESPONSES AND  
OBJECTIONS TO  
DEFENDANTS FIRST  
REQUEST FOR  
PRODUCTION OF  
DOCUMENTS**

Case No. 22-cv-6781 (JSR)



Pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure, Plaintiffs Selena Staley, Vivian Holmes and Olive Ivey (collectively, the “Plaintiffs”) responds and objects to Defendants Hotel 57 Services, LLC, Hotel 57, LLC, Ty Warner Hotels and Resorts & Resorts, LLC, and H. Ty Warner (collectively, the “Warner Defendants”) First Set of Interrogatories and Requests for Production of Documents as follows:

**GENERAL STATEMENT AND GENERAL OBJECTIONS**

1. By responding to any request, plaintiffs do not concede the materiality of the subject to which it refers. Plaintiffs responses are made expressly subject to, and without waiving or intending to waive, any questions, or objections as to the competency, relevancy, materiality, privilege, or admissibility as evidence or for any other purpose, of any of the documents or information produced, or of the subject matter thereof, in any proceeding including the trial of this action or any subsequent proceeding.

2. Plaintiffs object to this Document Request to the extent that it demands documents and/or information which are protected by the attorney-client or work-product

privilege, or which constitute material prepared for litigation purposes.

3. Inadvertent production of any document or information which is privileged, was prepared in anticipation of litigation, or is otherwise immune from discovery, shall not constitute a waiver of any privilege or of another ground for objecting to discovery with respect to that document or any other document, or its subject matter, or the information contained therein, or of plaintiffs right to object to the use of any such document or the information contained therein during any proceeding in this litigation or otherwise.

4. With respect to the request for the production of documents, plaintiffs will provide, under separate cover, a privilege index, if appropriate.

5. Plaintiffs will comply with their obligation to supplement pursuant to Federal Rules of Civil Procedure 26(e).

6. Plaintiffs are continuing to search for information responsive to defendant's requests and therefore reserve the right to supplement his response to each request with additional information, if and when such information becomes available to plaintiff's counsel. Plaintiffs also reserve the right to object to the future disclosure of any such information.

**RESPONSES AND OBJECTIONS TO DOCUMENT REQUESTS**

**DOCUMENT REQUEST NO. 1:**

All documents concerning communications between Plaintiffs (individually or collectively) and any of the Defendants concerning the subject matter of this Action and any of the factual allegations and/or claims in the Complaint, specifically including, without limitation, Plaintiffs' hire and termination of employment at The Hotel by any of Defendants.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 1:**

Plaintiffs object to this request on the grounds that it is overbroad, unduly burdensome in that seeks all communication Plaintiffs have had with anyone including their hirings, which could have been more than 20 years ago, to the extent the documents are not in Plaintiffs custody possession or control, to the extent the documents sought are protected from disclosure by the attorney-client privilege and/or the attorney work product privilege, and not relevant to any party's claims or defenses. Without waiving these objections or the General Objections, Plaintiffs refer Defendants to the documents attached to Plaintiffs' Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0001 – 0222, 0245 – 0261, as well as the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262 for documents responsive to this request.

**DOCUMENT REQUEST NO. 2:**

All documents concerning communications among Plaintiffs concerning the subject matter of this Action and any of the factual allegations and/or claims in the Complaint, specifically including, without limitation, Plaintiffs' hire and termination of employment at The Hotel by any of Defendants.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 2:**

Plaintiffs object to this request on the grounds that it calls for documents protected from disclosure by attorney-client privilege and by the attorney work product privilege.

**DOCUMENT REQUEST NO. 3:**

All documents concerning communications between Plaintiffs (individually or collectively) and any third party other than Defendants concerning the subject matter of this Action and any of the factual allegations and/or claims in the Complaint, specifically including, without limitation, Plaintiffs' hire and termination of employment at The Hotel by any of Defendants.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 3:**

See Plaintiffs' Objection and Response to Document Request Number 1.

**DOCUMENT REQUEST NO. 4:**

All documents concerning the subject matter of this Action and any of the factual allegations and/or claims in the Complaint, specifically including, without limitation, Plaintiffs' hire and termination of employment at The Hotel by any of Defendants.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 4:**

See Plaintiffs' Objection and Response to Document Request Number 1.

**DOCUMENT REQUEST NO. 5:**

All documents concerning any purported admissions or statements against interest made at any time by Plaintiffs (individually or collectively) and/or Defendants (including any of their agents, employees, attorneys, representatives, servants and all other persons acting on their behalf) concerning the subject matter of this Action and any of the factual allegations and/or claims in the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 5:**

Plaintiffs object to this request on the grounds that it is vague and premature as Defendants have not even answered the Complaint. Without waiving these objections or the General Objections, Plaintiffs refer Defendants to the documents attached to Plaintiffs' Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0001 – 0222, 0245 – 0261, as well as the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262 and the Reply of Defendant FSR International Hotels Inc. In Support of Its Motion to Compel Arbitration for documents responsive to this request.

**DOCUMENT REQUEST NO. 6:**

All written statements obtained by Plaintiffs from any third party concerning the subject matter of this Action and any of the factual allegations and/or claims in the Complaint, specifically including, without limitation, Plaintiffs' hire and termination of employment at The Hotel by any of Defendants.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 6:**

Plaintiffs object to this request on the grounds that it is overbroad, not limited in scope or time and unduly burdensome in that seeks all communication Plaintiffs have had with anyone including their hirings, which could have been more than 20 years ago, to the extent the documents are not in Plaintiffs custody possession or control, to the extent the documents sought are protected from disclosure by the attorney-client privilege and/or the attorney work product privilege, and not relevant to any party's claims or defenses. Without waiving these objections or the General Objections, Plaintiffs refer Defendants to the documents attached to their Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0247, 0249, 0255, and 0256 for documents responsive to this request.

**DOCUMENT REQUEST NO. 7:**

All documents concerning all alleged contracts between Plaintiffs (individually or collectively) and any of Defendants as set forth in paragraphs 210, 211, 212, 216, 221, 222, 223, 227, 230, 231, 236, 237, 238, 241, 246, 247 and 250 of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 7:**

Plaintiffs object to this request to the extent the documents are not in Plaintiffs custody possession or control, to the extent the documents sought are protected from disclosure by the attorney-client privilege and/or the attorney work product privilege, and not relevant to any party's claims or defenses. Without waiving these objections or the General Objections, Plaintiffs refer Defendants to the documents attached to Plaintiffs' Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0001 – 0222, 0245 – 0261, as well as the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262 for documents responsive to this request.

**DOCUMENT REQUEST NO. 8:**

All documents concerning Plaintiffs allegations concerning their entitlement to "No-Fault Separation Pay" as set forth in the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 8:**

Plaintiffs object to this request to the extent the documents are not in Plaintiffs custody possession or control, to the extent the documents sought are protected from disclosure by the attorney-client

privilege and/or the attorney work product privilege, and not relevant to any party's claims or defenses. Without waiving these objections or the General Objections, Plaintiffs refer Defendants to the documents attached to their Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0001, 0002, 0016 – 0018, 0020 – 0022, 0026 – 0028, 0031, 0032, 0034, 0045 – 0089, 0091 - 0103, 0107 – 0221, 0224 – 0239, 0245 – 0246 as well as the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262 for documents responsive to this request.

**DOCUMENT REQUEST NO. 9:**

All documents concerning the termination of Plaintiffs' employment (individually or collectively) at The Hotel by any of Defendants.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 9:**

See Plaintiffs' Objections and Response to Document Request Number 8.

**DOCUMENT REQUEST NO. 10:**

All documents concerning any complaints made by Plaintiffs (individually or collectively) to any of Defendants concerning the allegations and/or claims in this Action.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 10:**

Plaintiffs objects to this request on the grounds that it is vague and overly broad, is not limited in time or scope, to the extent it is not relevant to any party's claims or defenses, and to the extent the information is not in Plaintiffs' custody, possession or control. Without waiving or in any way limiting the foregoing objections, Plaintiffs refer Defendants to the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262

**DOCUMENT REQUEST NO. 11:**

All documents concerning Plaintiffs' (individually or collectively) actions concerning any attempt to resolve the allegations and claims in the Complaint through the Complaint, Arbitration & Review for Employees - C.A.R.E. procedure contained in the U.S. EmPact Employee Handbook with the Four Seasons Hotel New York



**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 11:**

See Defendant's Objection and Response to Document Request No. 8.

**DOCUMENT REQUEST NO. 12:**

All documents concerning Plaintiffs' (individually or collectively) opting out of the C.A.R.E. complaint resolution procedure contained in the U.S. EmPact Employee Handbook with the Four Seasons Hotel New York.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 12:**

Plaintiff objects to this request on the grounds that it is unintelligible as C.A.R.E. did not cover the disputes at issue in this case.

**DOCUMENT REQUEST NO. 13:**

All documents concerning Plaintiffs' (individually or collectively) opting out of the class action and/or collective action waiver agreement contained in the U.S. EmPact Employee Handbook with the Four Seasons Hotel New York.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 13:**

Plaintiffs object to this request as unintelligible as there was no class action or collective action waiver agreement covering the claims in this action.

**DOCUMENT REQUEST NO. 14:**

Copies of all WARN Act Notices issued by any of the Defendants to any of Plaintiffs.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 14:**

Plaintiffs object to this request as vague and unintelligible as Defendants did not provide proper WARN Act Notices. Construing this request to be seeking any notices sent by the company about Plaintiffs' furlough status, Plaintiffs refer Defendants to the document attached to Plaintiffs' Initial Disclosures bearing Bates Stamp Number Staley v FSR 0002, 0016, and 214.

**DOCUMENT REQUEST NO. 15:**

All documents concerning Plaintiffs' allegations that Defendants were required to provide Plaintiffs with notice pursuant to the federal Worker Adjustment and Retraining Notification Act ("WARN") as set forth in the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 15:**

Plaintiffs object to this request on the grounds that it seeks documents protected from disclosure by the attorney-client privilege and/or attorney work product privilege, and to the extent the documents are not in Plaintiffs possession, custody, or control. Without waiving or in any way limiting the foregoing objections, Plaintiffs refer Defendants to the WARN Act, the New York WARN Act and to the documents annexed to Plaintiffs' Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0001, 0002, 0016 – 0018, 0026 – 0028, 0031, 0048 – 0064, 0081 – 0089, 0091 – 0101, 0107 – 0221, 0224 – 0234, 0237 – 0239, 0245 – 0246, 0249 – 026, as well as the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262 for documents responsive to this request,

**DOCUMENT REQUEST NO. 16:**

All documents concerning Plaintiffs' allegations that Defendants failed to comply with notice requirements pursuant to WARN as set forth in the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 16:**

See Plaintiffs' Objections and Response to Document Request Number 15.

**DOCUMENT REQUEST NO. 17:**

All documents concerning Plaintiffs' allegations that Defendants were required to provide Plaintiffs with notice pursuant to the New York Worker Adjustment and Retraining Notification Act ("NYWARN") as set forth in the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 17:**

See Plaintiffs' Objections and Response to Document Request Number 15.



**DOCUMENT REQUEST NO. 18:**

All documents concerning Plaintiffs' allegations that Defendants failed to comply with notice requirements pursuant to NY WARN as set forth in the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 18:**

See Plaintiffs' Objections and Response to Document Request Number 15.

**DOCUMENT REQUEST NO. 19:**

All documents provided to Plaintiffs' (individually or collectively) by any of Defendants concerning Plaintiffs' employment status at The Hotel in or after March 2020.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 19:**

Without waiving the General Objections, Plaintiffs refer Defendants to the documents annexed to their Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0001, 0002, 0031, 0016, 0054 – 0089, 0091 – 0099, 0101, 0203 – 0212, 0214 -0221, 0255 – 261 as well as the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262 for documents responsive to this request,

**DOCUMENT REQUEST NO. 20:**

All documents concerning Plaintiffs' allegation that "Defendants collectively controlled the operations of The Hotel, through their interrelation of operations; control over the employment opportunities and the employment characteristics of the employees of The Hotel and control of hiring and/or firing of the employees of the Hotel and most notably the hiring and/or selection of the general manager of The Hotel" as set forth in paragraph 97 of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 20:**

Plaintiffs object to this request to the extent it is not in Plaintiff's possession, custody or control. Subject to these objections and without waiving or in any way limiting these objections or the General Objections, Plaintiffs refer Defendants to the documents attached to Plaintiffs' Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0001, 0002, 0016 – 0018, 0020 – 0022, 0026 – 0028, 0031, 0032, 0034, 0045 – 0089, 0091 -103, 0107 – 0221, 0224 – 0239, 0245 – 0246 as well as the

audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262 for documents responsive to this request,

**DOCUMENT REQUEST NO. 21:**

All documents concerning Plaintiffs' allegation that "Defendants collectively controlled the terms and conditions of employment of the employees working at The Hotel, supervised or controlled work schedules and set rates for employees working at The Hotel" as set forth in paragraph 98 of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 21:**

See Plaintiffs' Objections and Response to Document Request Number 20.

**DOCUMENT REQUEST NO. 22:**

All documents concerning Plaintiffs' allegation that "Defendants collectively had and have control over day-to-day operations at the Hotels" as set forth in paragraph 99 of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 22:**

See Plaintiffs' Objections and Response to Document Request Number 20.

**DOCUMENT REQUEST NO. 23:**

All documents concerning Plaintiffs' allegation that Defendants "notified" Plaintiffs that they "would be placed on unpaid furlough" as set forth in paragraphs 105, 106, and 107 of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 23:**

Plaintiffs object to this request on the grounds that to the extent that the documents sought are not in Plaintiffs' custody, possession, or control, are protected from disclosure by the attorney-client privilege and/or the attorney work product privilege. Subject to these objections and without waiving or in any way limiting these objections or the General Objections, Plaintiffs refer Defendants to the documents attached to Plaintiffs' Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0002, 0016, and 0214 for documents responsive to this request.

**DOCUMENT REQUEST NO. 24:**

All documents concerning Plaintiffs' allegation that Defendants "claimed that Plaintiffs and those employees similarly situated, were somehow furloughed for years, and in the case of at least the Plaintiffs, are somehow still on furlough" as set forth in paragraph 118 of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 24:**

Plaintiffs object to this request on the grounds that to the extent that the documents sought are not in Plaintiffs' custody, possession, or control, are protected from disclosure by the attorney-client privilege and/or the attorney work product privilege. Subject to these objections and without waiving or in any way limiting these objections or the General Objections, Plaintiffs refer Defendants to the documents attached to Plaintiffs' Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0001, 0002, 0016 – 0018, 0020 – 0022, 0026 – 0028, 0031, 0032, 0034, 0045 – 0089, 0091 -0103, 0107 – 0221, 0224 – 0239, 0245 – 0246 as well as the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262 and the Reply of Defendant FSR International Hotels Inc. In Support of Its Motion to Compel Arbitration for documents responsive to this request.

**DOCUMENT REQUEST NO. 25:**

All documents concerning Plaintiffs' allegation that Defendants "claimed in December 2020 that The Hotel would reopen by the end of April 2021" as set forth in paragraph 126 of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 25:**

Plaintiffs object to this request on the grounds that to the extent that the documents sought are not in Plaintiffs' custody, possession, or control, are protected from disclosure by the attorney-client privilege and/or the attorney work product privilege. Subject to these objections and without waiving or in any way limiting these objections or the General Objections, Plaintiffs refer Defendants to the documents attached to Plaintiffs' Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0203 and 0211 for documents responsive to this request.

**DOCUMENT REQUEST NO. 26:**

All documents concerning the “memo” sent by Defendants to Plaintiffs in February 2021 as alleged in paragraphs 128, 129, 130, 132, 133 and 134 of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 26:**

Plaintiffs object to this request on the grounds that to the extent that the documents sought are not in Plaintiffs’ custody, possession, or control, are protected from disclosure by the attorney-client privilege and/or the attorney work product privilege. Subject to these objections and without waiving or in any way limiting these objections or the General Objections, Plaintiffs are continuing to search for responsive documents and will supplement within 30 days, but submit that the documents are in Defendants’ possession.

**DOCUMENT REQUEST NO. 27:**

All documents concerning Plaintiffs’ allegation that Defendants “stated that the Plaintiffs and those similarly situated would be back at work when the consumer demand reached a certain threshold in order to reopen” as set forth in paragraph 131 of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 27:**

Plaintiffs object to this request on the grounds that to the extent that the documents sought are not in Plaintiffs’ custody, possession, or control, are protected from disclosure by the attorney-client privilege and/or the attorney work product privilege. Subject to these objections and without waiving or in any way limiting these objections or the General Objections, Plaintiffs refer Defendants to the documents attached to Plaintiffs’ Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0088, 0101, and 0211 for documents responsive to this request.

**DOCUMENT REQUEST NO. 28:**

All documents concerning Plaintiffs’ allegation that “[b]y June 2021, the other hotels in The Hotel’s competitive set had all reopened” as set forth in paragraph 135 of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 28:**

Plaintiffs object to this request as the documents sought are equally available to Defendants, and to the extent the documents are not in Plaintiffs' custody, possession or control.

**DOCUMENT REQUEST NO. 29:**

All documents concerning the "memo" sent by Elizabeth Ortiz on June 25, 2021, as set forth in paragraphs 136, 137 and 138 of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 29:**

Plaintiffs object to this request on the grounds that it overbroad, to the extent it seeks documents that are protected from disclosure by the attorney client privilege and/or attorney work product privilege, and to the extent the documents are not in Plaintiffs' possession, custody or control. Subject to these objections and without waiving or in any way limiting these objections or the General Objections, Plaintiffs refer Defendants to the document attached to Plaintiffs Initial Disclosures bearing Bates Stamp Number Staley v FSR 0061 as well as the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262

**DOCUMENT REQUEST NO. 30:**

All documents concerning Plaintiffs' allegation that Defendants "claim[ed] that the Plaintiffs and those similarly situated employees were still on indefinite furlough" as set forth in paragraph 143 of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 30:**

See Plaintiffs' Objections and Response to Document Request Number 24.

**DOCUMENT REQUEST NO. 31:**

All documents concerning Plaintiffs' allegation that "Defendants did not permit Plaintiffs or other similarly situated employees from seeking temporary employment to mitigate their hardship caused by Defendants without waiving their right to the No-Fault Separation Pay or the ability to maintain their jobs upon the reopening of the hotel" as set forth in paragraph 143 of the

Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 31:**

Plaintiffs object to this request on the grounds that it overbroad, to the extent it seeks documents that are protected from disclosure by the attorney client privilege and/or attorney work product privilege, to the extent the documents are not in Plaintiffs' possession, custody or control. Subject to these objections and without waiving or in any way limiting these objections or the General Objections, Plaintiffs refer Defendants to the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262.

**DOCUMENT REQUEST NO. 32:**

All documents concerning the allegation that "Defendants have purposefully stalled the reopening of The Hotel" as set forth in paragraph 144 of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 32:**

Plaintiffs object to this request on the grounds that it overbroad, to the extent it seeks documents that are protected from disclosure by the attorney client privilege and/or attorney work product privilege, to the extent the documents sought are equally available to Defendants, and to the extent the documents are not in Plaintiffs' possession, custody or control. Subject to these objections and without waiving or in any way limiting these objections or the General Objections, Plaintiffs refer Defendants to the documents attached to Plaintiffs Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0001, 0002, 0016 – 0018, 0020 – 0022, 0026 – 0028, 0031, 0032, 0034, 0045 – 0089, 0091 -0101, 0107 – 0221, 0224 – 0239, 0245 – 0246 as well as the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262 for documents responsive to this request,

**DOCUMENT REQUEST NO. 33:**

All documents concerning Plaintiffs' allegation that "Defendants had been trying to



terminate the employment of workers from The Hotel in the past in order to reduce financial obligations” as set forth in paragraph 155 of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 33:**

Plaintiffs object to this request on the grounds that it overbroad, to the extent it seeks documents that are protected from disclosure by the attorney client privilege and/or attorney work product privilege, to the extent the documents sought are equally available to Defendants, and to the extent the documents are not in Plaintiffs’ possession, custody or control.

**DOCUMENT REQUEST NO. 34:**

All documents concerning Plaintiffs’ allegation that “Defendants refused to allow Plaintiffs and those similarly situated to get their jobs back” as set forth in paragraph 156 of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 34:**

Plaintiffs object to this request on the grounds that it overbroad, to the extent it seeks documents that are protected from disclosure by the attorney client privilege and/or attorney work product privilege, to the extent the documents sought are equally available to Defendants, and to the extent the documents are not in Plaintiffs’ possession, custody or control. Subject to these objections and without waiving or in any way limiting these objections or the General Objections, Plaintiffs refer Defendants to the documents attached to Plaintiffs’ Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0001, 0002, 0016 – 0018, 0026, 0028, 0031, 0032, 0054 – 0089, 0091 - 0101, 0107 – 0221, 0224 – 0239, 0245 – 0246 as well as the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262 for documents responsive to this request,

**DOCUMENT REQUEST NO. 35:**

All documents concerning Plaintiffs’ allegation that Defendants terminated the employment of at least 200 employees as set forth in paragraphs 166, 181, 195, 197 and 198 of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 35:**

Plaintiffs object to this request on the grounds that it overbroad, to the extent it seeks documents that are protected from disclosure by the attorney client privilege and/or attorney work product privilege, to the extent the documents sought are equally available to Defendants, and to the extent the documents are not in Plaintiffs' possession, custody or control. Subject to these objections and without waiving or in any way limiting these objections or the General Objections, Plaintiffs refer Defendants to the documents attached to Plaintiffs' Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0001, 0002, 0016 – 0018, 0020 – 0022, 0026 – 0028, 0031, 0032, 0034, 0045 – 0089, 0091 - 0103, 0107 – 0221, 0224 – 0239, 0245 – 0246 as well as the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262 for documents responsive to this request,

**DOCUMENT REQUEST NO. 36:**

All documents concerning Plaintiffs' allegations set forth in Plaintiffs' First Cause of Action (paragraphs 173 through 191) of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 36:**

Plaintiffs object to this request on the grounds that it overbroad, to the extent it seeks documents that are protected from disclosure by the attorney client privilege and/or attorney work product privilege, to the extent the documents sought are equally available to Defendants, and to the extent the documents are not in Plaintiffs' possession, custody or control. Subject to these objections and without waiving or in any way limiting these objections or the General Objections, Plaintiffs refer Defendants to the documents attached to Plaintiffs' Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0001, 0002, 0016 – 0018, 0020 – 0022, 0026 – 0028, 0031, 0032, 0034, 0045 – 0089, 0091 - 0103, 0107 – 0221, 0224 – 0239, 0245 – 0246 as well as the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262 for documents responsive to this request,

**DOCUMENT REQUEST NO. 37:**

All documents concerning Plaintiffs' allegations set forth in Plaintiffs' Second Cause of Action (paragraphs 192 through 207) of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 37:**

See Plaintiffs' Objections and Response to Document Request Number 36.

**DOCUMENT REQUEST NO. 38:**

All documents concerning Plaintiffs' allegations set forth in Plaintiffs' Third Cause of Action (paragraphs 208 through 218) of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 38:**

Plaintiffs object to this request on the grounds that it overbroad, to the extent it seeks documents that are protected from disclosure by the attorney client privilege and/or attorney work product privilege, to the extent the documents sought are equally available to Defendants, and to the extent the documents are not in Plaintiffs' possession, custody or control. Subject to these objections and without waiving or in any way limiting these objections or the General Objections, Plaintiffs refer Defendants to the documents attached to Plaintiffs' Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0001, 0002, 0016 – 0018, 0020 – 0022, 0026 – 0028, 0031, 0032, 0034, 0045 – 0089, 0091 - 0103, 0107 – 0221, 0224 – 0239, 0245 – 0246 as well as the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262 for documents responsive to this request,

**DOCUMENT REQUEST NO. 39:**

All documents concerning Plaintiffs' allegations set forth in Plaintiffs' Fourth Cause of Action (paragraphs 219 through 233) of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 39:**

See Plaintiffs' Objections and Response to Document Request Number 38.

**DOCUMENT REQUEST NO. 40:**

All documents concerning Plaintiffs' allegations set forth in Plaintiffs' Fifth Cause of Action (paragraphs 234 through 250) of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 40:**

See Plaintiffs' Objections and Response to Document Request Number 38.

**DOCUMENT REQUEST NO. 41:**

All documents concerning Plaintiffs' allegations set forth in Plaintiffs' Sixth Cause of Action, paragraphs (251 through 256) of the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 41:**

Plaintiffs object to this request on the grounds that it overbroad, to the extent it seeks documents that are protected from disclosure by the attorney client privilege and/or attorney work product privilege, to the extent the documents sought are equally available to Defendants, and to the extent the documents are not in Plaintiffs' possession, custody or control. Subject to these objections and without waiving or in any way limiting these objections or the General Objections, Plaintiffs refer Defendants to the documents attached to Plaintiffs' Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0001 – 0222, 0245 – 0261 as well as the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262 for documents responsive to this request.

**DOCUMENT REQUEST NO. 42:**

All documents concerning any request(s) by Plaintiffs (individually or collectively) to return to employment at the Hotel following March 20, 2020.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 42:**

Plaintiffs object to this request on the grounds that it is not relevant to any party's claims or defenses, to the extent the documents are not in Plaintiffs' possession, custody or control, to the extent the document is protected from disclosure by the attorney-client privilege and/or the attorney work product privilege and to the extent that the demand is unintelligible as Plaintiffs never requested to be placed on furlough and were waiting to be brought back.

**DOCUMENT REQUEST NO. 43:**

To the extent Plaintiffs have not obtained employment other than their employment by any of the Defendants subsequent to March 20, 2020, all documents concerning Plaintiffs' individual and collective efforts to locate and secure such employment subsequent to March 20, 2020.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 43:**

Plaintiffs object to this request on the grounds that it is not relevant to any party's claims or defenses, to the extent the documents are not in Plaintiffs' possession, custody or control, to the extent the document is protected from disclosure by the attorney-client privilege and/or the attorney work product privilege. Without waiving or in any way limiting the foregoing objections, Plaintiffs refer Defendants to the documents attached to Plaintiffs' Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0223, and 0240 - 0244 for documents responsive to this request.

**DOCUMENT REQUEST NO. 44:**

All documents concerning any administrative hearing, lawsuit or legal proceeding, at law or equity, in which Plaintiffs (individually or collectively) were, or are, a party, including without limitation, all pleadings, discovery responses and deposition transcripts.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 44:**

Plaintiffs object to this request on the grounds that it is not relevant to any party's claims or defenses, not limited in scope or time, to the extent that it is an invasion of privacy, meant to embarrass and cause annoyance to Plaintiffs, and to the extent the documents sought are protected from disclosure by attorney-client privilege, attorney work product privilege or the Health Insurance Portability and Accountability Act.

**DOCUMENT REQUEST NO. 45:**

All documents concerning diary, journal, and calendar entries maintained by, or on behalf of, Plaintiffs (individually or collectively) concerning the factual allegations or claims at issue in this Action.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 45:**



Plaintiffs object to this request on the grounds that it is not relevant to any party's claims or defenses, to the extent the documents are not in Plaintiffs' possession, custody or control, to the extent the document is protected from disclosure by the attorney-client privilege and/or the attorney work product privilege. Without waiving or in any way limiting the foregoing objections, Plaintiffs state that none exist.

**DOCUMENT REQUEST NO. 46:**

All documents concerning all alleged damages Plaintiffs (individually or collectively) claim to have sustained as a result of the claims set forth in the Complaint.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 46:**

Plaintiffs object to this request to the extent that it is not relevant to any party's claims or defenses, to the extent the documents sought are not in Plaintiffs' custody possession, or control, and to the extent that it is an invasion of privacy, meant to embarrass Plaintiffs for needing financial assistance from the government. Subject to these objections and without waiving or in any way limiting these objections or the General Objections, Plaintiffs refer Defendant to the documents attached to Plaintiffs' Initial Disclosures, bearing Bates Stamp Numbers Staley v FSR 0001 – 0222, 0245 – 0261, as well as the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262 for documents responsive to this request.

**DOCUMENT REQUEST NO. 47:**

Any profiles, postings, or messages (including status updates, wall comments, causes joined, groups joined, activity streams, blog entries) and SNS [social networking service] applications from March 2020 through the present that reveal, refer, or relate to any emotion, feeling, or mental state of Plaintiffs, as well as communications that reveal, refer, or relate to events that could reasonably be expected to produce a significant emotion, feeling or mental state of Plaintiffs.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 47:**

Plaintiffs object to this request on the grounds that it is not relevant to any party's claims or defenses, to the extent that it is an invasion of privacy, meant to embarrass and cause annoyance to Plaintiffs,



and to the extent the documents sought are protected from disclosure by attorney-client privilege, attorney work product privilege or the Health Insurance Portability and Accountability Act.

**DOCUMENT REQUEST NO. 48:**

All sound or tape recordings of any conversations between Plaintiffs and any other individual(s) concerning Plaintiffs' allegations and/or claims in this Action.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 48:**

Plaintiffs objects to this request on the grounds that it is vague and overly broad, is not limited in time or scope, to the extent it is not relevant to any party's claims or defenses, and to the extent the information is not in Plaintiffs' custody, possession or control. Without waiving or in any way limiting the foregoing objections, Plaintiffs refer Defendants the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262 for documents responsive to this request.

**DOCUMENT REQUEST NO. 49:**

All documents concerning any wages, compensation, remuneration and/or payments of any kind provided to Plaintiffs (individually or collectively) by or on behalf of any of Defendants during March 2020.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 49:**

Plaintiffs object to this request on the grounds that it is not relevant to any party's claims or defenses, to the extent the documents are not in Plaintiffs' possession, custody or control, to the extent the document is protected from disclosure by the attorney-client privilege and/or the attorney work product privilege. Without waiving or in any way limiting the foregoing objections, Plaintiffs refer Defendants to the documents attached to Plaintiffs' Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0050, 0051, 0188 – 0192, 0237 – 0238, and 0245 - 0256 for documents responsive to this request.

**DOCUMENT REQUEST NO. 50:**

All documents concerning any wages, compensation, remuneration and/or payments of any kind provided to Plaintiffs (individually or collectively) by or on behalf of any of Defendants at any time after March 2020.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 50:**

Plaintiffs object to this request on the grounds that it is not relevant to any party's claims or defenses, to the extent the documents are not in Plaintiffs' possession, custody or control, to the extent the document is protected from disclosure by the attorney-client privilege and/or the attorney work product privilege. Without waiving or in any way limiting the foregoing objections, Plaintiffs refer Defendants to the documents attached to Plaintiffs' Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0020 – 0022, 0027, 0048 – 0052, 0168 – 0187, 0192 – 0202, 0224 – 0234, 0237 – 0239, 0245 – 0246, and 0254 for documents responsive to this request.

**DOCUMENT REQUEST NO. 51:**

All documents concerning any employment benefits or employment benefit payments of any kind provided to Plaintiffs (individually or collectively) by or on behalf of any of Defendants during March 2020.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 51:**

Plaintiffs object to this request on the grounds that it is not relevant to any party's claims or defenses, to the extent the documents are not in Plaintiffs' possession, custody or control, to the extent the document is protected from disclosure by the attorney-client privilege and/or the attorney work product privilege. Without waiving or in any way limiting the foregoing objections, Plaintiffs state that upon information and belief, Defendants are in possession of all such documents.

**DOCUMENT REQUEST NO. 52:**

All documents concerning any employment benefits or employment benefit payments of any kind provided to Plaintiffs (individually or collectively) by or on behalf of any of Defendants at any time after March 2020.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 52:**

Plaintiffs object to this request on the grounds that it is not relevant to any party's claims or defenses, to the extent the documents are not in Plaintiffs' possession, custody or control, to the extent the document is protected from disclosure by the attorney-client privilege and/or the attorney work product privilege. Without waiving or in any way limiting the foregoing objections, Plaintiffs refer Defendants to the documents attached to Plaintiffs' Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0017, 0018, 0023 – 0025, 0034, 0204 – 0207, and 0252 for documents responsive to this request.

**DOCUMENT REQUEST NO. 53:**

All documents referenced in Plaintiffs' Complaint, Fed. R. Civ. P. 26(a)(1) Initial Disclosures and responses to Defendants' First Set of Interrogatories to Plaintiffs.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 53:**

Plaintiffs object to this request on the grounds that it is not relevant to any party's claims or defenses, to the extent the documents are not in Plaintiffs' possession, custody or control, to the extent the document is protected from disclosure by the attorney-client privilege and/or the attorney work product privilege. Without waiving or in any way limiting the foregoing objections, Plaintiffs refer Defendants to to the documents attached to Plaintiffs' Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0001 - 0261, as well as the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262

**DOCUMENT REQUEST NO. 54:**

All documents Plaintiffs intend to introduce into evidence at the time of trial.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 54:**

Plaintiffs object to this request as premature, to the extent it calls for documents protected from

disclosure by the attorney client privilege and/or the attorney work product privilege and state that they are aware of their obligations under the federal rules for identifying trial evidence and will comply with those obligations. Without waiving or in any way limiting the foregoing objections, Plaintiffs refer Defendants to the documents attached to Plaintiffs' Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0001 – 0222, and 0245 – 0261, as well as the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262

for documents responsive to this request.

**DOCUMENT REQUEST NO. 55:**

All documents upon which Plaintiffs intend to rely in establishing their claims, or challenging Defendants' defenses in the course of discovery and/or at trial.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 55:**

See Plaintiffs' Objection and Response to Document Request Number 54.

**DOCUMENT REQUEST NO. 56:**

All responsive documents to each demand set forth in Defendant FSR International Hotels, Inc.'s (incorrectly sued as Four Seasons Hotels and Resorts) Requests for Production of Documents to each Plaintiff dated November 29, 2022 that are not specifically demanded herein.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 56:**

The attorney retainer and/or engagement agreement is not relevant or reasonably tailored to lead to the discovery of relevant information, and calls for disclosure of privileged information. *Uinta Oil Refining Co. v. Continental Oil Co.*, 226 F. Supp. 495 (D. Utah 1964); *Sargeant v. Sharp*, 579 F.2d 645, 649 (1st Cir. 1978) (a fee agreement is irrelevant to the issue of entitlement and should not enter into the determination of the amount of a reasonable fee award).

Further, the calculation of attorney's fees is outside of the scope of discovery and not calculated to lead to admissible evidence, since fee award must be based on lodestar (marketplace) rates. This is a

fee shifting case; fees and costs will be sought by petition or agreement under usual fee-shifting standards. Under these standards, the party's agreement with his lawyers may not be considered as a floor, standard, or ceiling. *Blanchard v. Bergeron*, 489 U.S. 87, 93 (1989); *Venegas v. Mitchell*, 110 S.Ct. 1679 (1990); *City of Burlington v. Dague*, 112 S.Ct. 2638 (1992); *Amherst Leasing Corp. v. Emhart Corp.*, 65 F.R.D. 121, 126 (U.S.D.C. Conn. 1974) (motion to compel fee agreement denied); *Stahler v. Jamesway Corp.*, 85 F.R.D. 85, 86 (E.D. Pa. 1979) (fee agreement not discoverable); *Sanderson v. Winner*, 507 F.2d 477 (10th Cir. 1974).

Finally, Plaintiff's billing records, redacted for attorney client and work-product privileges, will be produced after a determination of liability and an entitlement to attorney's fees. In federal court litigation under fee-shifting statutes, attorney's fees and costs are only recoverable, if at all, if the consumer prevails on the trial on the merits under the statute. See FRCP 54. At that point – post-trial – fee records become relevant as plaintiff would be entitled to make a fee petition. Prior to that time, however, the documents and the information are not relevant or reasonably tailored to lead to the discovery of relevant information. Abels v. JBC Legal Group, P.C., 233 F.R.D. 645 (N.D.Cal. 2006) (defendants' motion to compel production of time records and retainer denied) (FDCPA case); Bank v. Pentagroup Financial, LLC, No. 08-cv-5293 (JG)(RML), 2009 WL 1606420, fn 6 (E.D.N.Y. June 9, 2009) (“defendant's counsel has moved for an order permitting discovery relating to plaintiff's attorney's fee claim... That application is denied. Since fees are available only if the plaintiff prevails, and the defendant contests liability, such procedures would be premature.”) (FDCPA case); In re Grand Jury Witness, 695 F.2d 359, 362 (9th Cir. 1982); In re Horn, 976 F.2d 1314 (9th Cir. 1992); Staton v. Boeing Co., 327 F.3d 938, 968 (9th Cir. 2003)

Plaintiffs object to this request on the grounds that it is overbroad, unduly burdensome in that seeks all communication Plaintiffs have had with anyone for more than two years concerning all allegations in the Complaint, to the extent the documents are not in Plaintiffs custody possession or control, to

the extent the documents sought are protected from disclosure by the attorney-client privilege and/or the attorney work product privilege, to the extent “embody communication” is vague and unintelligible, and not relevant to any party’s claims or defenses. Without waiving these objections or the General Objections, Plaintiffs refer Defendant to the documents attached to their Initial Disclosures bearing Bates Stamp Numbers Staley v FSR 0001 – 0261, as well as the audio recording of the June 25, 2021 Zoom Meeting bearing Bates Stamp Number Staley v FSR 0262 for documents responsive to this request.

**DOCUMENT REQUEST NO. 57:**

To the extent not specifically covered elsewhere by the foregoing demands, all documents concerning Plaintiffs’ allegations and/or claims in this Action upon which Plaintiffs rely upon to support their allegations and/or claims in this Action.

**OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 57:**

Plaintiffs object to this demand on the grounds that it is overbroad, not limited in scope or time, to the extent the documents sought are protected from disclosure by the attorney-client privilege and/or the attorney work product privilege, to the extent “embody communication” is vague and unintelligible, to the extent the documents are not in Plaintiffs possession, custody, or control and are not relevant to any party’s claims or defenses.

Dated: New York, New York  
December 29, 2022

Yours, etc.

BRUSTEIN LAW, PLLC

By: /s/ Evan Brustein  
Evan Brustein, Esq.  
299 Broadway, 17<sup>th</sup> Floor  
New York, New York 10007



(212) 233-3900  
evan@brusteinlaw.com

Maya Risman  
Risman & Risman, P.C.  
299 Broadway, 17<sup>th</sup> Floor  
New York, New York 10007  
(212) 233-6400  
mrisman@risman-law.com

*Attorneys for Plaintiffs*

TO: Kathryn Lundy, Esq.  
Marc Zimmerman, Esq.  
Freeborn & Peters LLP  
1155 Avenue of the Americas  
26<sup>th</sup> Floor  
New York, New York 10036  
(646) 993-4434  
klundy@freeborn.com  
mzimmerman@freeborn.com  
*Attorneys for the Warner Defendants*

Paul Wagner, Esq.  
John Hunt, Esq.  
Stokes Wagner  
903 Hanshaw Road  
Ithaca, New York 14850  
(607) 257-5165  
pwagner@stokeswagner.com  
*Attorneys for FSR International Hotels Inc.*  
(via email)